## REMARKS AND REQUEST FOR CORRESPONDING TERM EXTENSION:

The SEQUENCE LISTING (of SEQ ID NO 1, SEQ ID NO 2, and SEQ ID NO 3) provided herewith, generated by PatentIn version 3.3 in ASCII form and provided on CD-ROM, is identical to that shown in FIGs. 2 – 4 of the application and to the written, paper copies attached hereto and provided herewith, and does not include any

This is a resubmission of the same Amendment, Sequence Listing AND CD-ROM previously submitted to the U.S. Patent and Trademark Office on January 12, 2004 and received by the U.S. Patent and Trademark Office on January 15, 2004, as shown on the attached post card receipt. In addition, a status inquiry was submitted via facsimile on February 10, 2005, requesting information concerning the delayed status of this case. The patent office did not provide any response to the inquiry. As a consequence, the Applicants will and hereby do request a *corresponding term extension* for any allowed patent, due to the loss or mishandling by the patent office of the previously submitted papers and the non-responsiveness of the patent office to the status inquiry.

In addition, for any issues or concerns, the Examiner is invited to call the attorney for the applicant at the telephone number provided below.

Respectfully,

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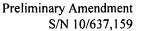
Date: April 26, 2006

new matter.

Nancy R. Gamburd Registration No. 38,147 Attorney for Applicants

Phone: 312-876-0460 Fax: 312-276-4176

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**CERTIFICATE OF MAILING** 

I hereby certify that the foregoing PRELIMINARY AMENDMENT REMARKS, AND REQUEST FOR CORRESPONDING TERM EXTENSION (5 5 pages), SEQUENCE LISTING (5 pages), CD ROM INCLUDING SEQUENCE LISTING, NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES (Confirmation Number 2929) (2 pages); TRANSMITTAL (PTO/SB/21) (1 page), PETITION FOR EXTENSION OF TIME (PTO/SB/22) (1 page), 10 FEE TRANSMITTAL (PTO/SB/17) (1 page), Check No. 1117 in the amount of \$225, and POST CARD RECEIPT, for J. Mark Weber et al., U.S Patent Application Serial No. 10/637,159, entitled "Process of Increasing Cellular Production of Biologically Active Compounds", have been deposited in the United States Mail, First Class postage prepaid, addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, 15 Alexandria, VA 22313-1450, on April 26, 2006.

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Nancy R. Gamburd Reg. No. 38,147

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